

**REMARKS**

Applicant respectfully requests reconsideration of this application in view of the foregoing amendment and following remarks.

**Status of the Claims**

Claims 1, 4, 5, 8, 9 and 14 are pending, of which claims 4, 5, 8, and 9 have been withdrawn as being directed to a non-elected species. By this amendment, claim 1 is amended. No new matter has been added by this amendment.

**Response to Rejection under 35 U.S.C. § 102(b)**

Claims 1 and 4 have been rejected under 35 U.S.C. § 102(b) as being unpatentable over US Patent 5,889,576 to Fujieda ("Fujieda").

Claim 1 has been amended for further clarification. In particular, amended claim 1 recites, *inter alia*, "a controller for determining whether an eyelid of the eye covers a pupil of the eye by comparing pupil diameter of the eye obtained from the image part of the eye with a predetermined value, for detecting the positional shift between a position of the vertex of the cornea and the eye examining portion unit instead of detecting the positional shift between the center of the pupil of the eye to be examined and the eye examining portion unit in a case where the controller determines that the eye lid of the eye covers the pupil of the eye, for detecting the positional shift between the center of the pupil of the eye to be examined and the eye examining portion unit in a case where the controller does not determine that the eyelid of the eye covers the pupil of the eye, and for aligning the eye examining portion unit based on the detected positional shift." Amended claim 1 makes it clear that a controller determines whether an eyelid of the eye covers a pupil of the eye.

With the features of claim 1 as amended, when the controller determines that the eyelid

covers the pupil of the eye to be examined, the controller detects the positional shift between the eye examining portion unit and the position of the vertex of the cornea, instead of detecting the positional shift between the eye examining portion unit and the center of the pupil, so as to execute the alignment. By providing such feature onto the ophthalmologic apparatus, a calculation time for obtaining the pupil center can be shortened, and therefore the measurement time decrease and the person to be examined is prevented from being put the heavy strain thereon.

In Fujieda, a measurement portion 4 is aligned by setting the corneal vertex as a reference. See, e.g., column 4, line 53 through column 5, line 22 of Fujieda. Also, when there is a displacement between the corneal vertex and the pupil center, the measurement portion 4 is aligned by setting the pupil center as a reference (see, e.g., column 6, lines 34-43 of Fujieda), and in a case that the pupil diameter is small, when the pupil center coincides with the position of the measurement optical axis in a predetermined acceptable range, the movement of the measurement portion 4 is stopped (e.g., column 6, lines 44-54 of Fujieda). In other words, the rough alignment is executed using the corneal vertex as the reference at first, and then the fine adjustment is executed using the pupil center as the reference.

Fujieda, however, fails to show or suggest "a controller" of the present invention as claimed, i.e., "for determining whether an eyelid of the eye covers a pupil of the eye by comparing pupil diameter of the eye obtained from the image part of the eye with a predetermined value, for detecting the positional shift between a position of the vertex of the cornea and the eye examining portion unit instead of detecting the positional shift between the center of the pupil of the eye to be examined and the eye examining portion unit in a case where the controller determines that the eye lid of the eye covers the pupil of the eye, for detecting the

positional shift between the center of the pupil of the eye to be examined and the eye examining portion unit in a case where the controller does not determine that the eyelid of the eye covers the pupil of the eye, and for aligning the eye examining portion unit based on the detected positional shift." For example, both the corneal vertex and the pupil center are always used in the reference Fujieda.

Accordingly, each of claim 1 as amended, and claim 14 in depending from claim 1, is believed neither anticipated by nor rendered obvious in view of the cited reference (i.e., Fujieda) for at least the reasons discussed above.

Reconsideration and withdrawal of the rejections of claims 1 and 14 under 35 U.S.C. §102(b) is respectfully requested.

Applicant has chosen in the interest of expediting prosecution of this patent application to distinguish the cited document from the pending claims as set forth above. However, these statements should not be regarded in any way as admissions that the cited document is, in fact, prior art.

Applicant believes that the application as amended is in condition for allowance and such action is respectfully requested.

**AUTHORIZATION**

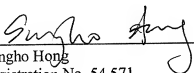
No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicant hereby petitions the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232-5273). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,  
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Dated: April 28, 2008

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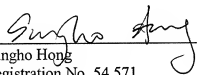
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